

AMENDED IN SENATE JUNE 8, 2009  
AMENDED IN ASSEMBLY APRIL 21, 2009  
AMENDED IN ASSEMBLY APRIL 13, 2009

CALIFORNIA LEGISLATURE—2009–10 REGULAR SESSION

**ASSEMBLY BILL**

**No. 918**

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**Introduced by Assembly Member Adams  
(Coauthors: Assembly Members Carter, Davis, and Jones)**

February 26, 2009

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An act to add Chapter 2 (commencing with Section 150) to Division 1 of the Welfare and Institutions Code, relating to charitable donations.

LEGISLATIVE COUNSEL'S DIGEST

AB 918, as amended, Adams. Salvageable personal property: collection boxes.

Existing law makes it unlawful for any association of persons to engage, directly or indirectly, in the soliciting of donations or in selling salvageable personal property obtained by soliciting, except qualified charitable organizations, as described, that meet specified requirements.

Existing law authorizes counties and cities to impose additional requirements for the privilege of soliciting and selling salvageable personal property within their jurisdictions.

This bill would ~~specify marking requirements on collection boxes, as defined, that are used for the solicitation and collection of donations of salvageable personal property in California.~~ *impose requirements for the placement of statements specifying prescribed information on collection boxes, as defined.* The bill would ~~allow a local jurisdiction to prohibit a person or a covered organization, as defined, from placing, using, or employing a collection box for solicitation purposes if the~~

~~collection box does not adhere to the disclosure requirements, and would specify require the owner of a collection box to obtain written consent from the owner or lessee of the property for placement of the collection boxes, and to provide this consent upon request. The bill specifies that its provisions shall not be deemed to supersede the authority of the Department of Justice or to limit a local jurisdiction from adopting ordinances or regulations regulating, monitoring, or prohibiting collection boxes.~~

Vote: majority. Appropriation: no. Fiscal committee: no.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

SECTION 1. Chapter 2 (commencing with Section 150) is added to Division 1 of the Welfare and Institutions Code, to read:

CHAPTER 2. UNATTENDED COLLECTION BOXES

150. For purposes of this chapter, the following definitions shall apply:

(a) "Collection box" means an unattended cannister, box, receptacle, or similar device, used for soliciting and collecting donations of salvageable personal property.

(b) "Commercial fundraiser" shall have the same meaning as in subdivision (a) of Section 12599 of the Government Code.

(c) "Nonprofit organization" means an organization that is exempt from taxation pursuant to Section 501(c)(3) or 501(c)(4) of the United States Internal Revenue Code.

(d) "Salvageable personal property" has the same meaning as in subdivision (b) of Section 148.

151. (a) The front of every collection box shall conspicuously display both of the following:

(1) The name, address, telephone number, and, if available, the Internet Web address of the owner and operator of the collection box.

(2) A statement, in at least two-inch typeface, that the collection box is owned and operated by either a for-profit or a nonprofit organization. For purposes of this chapter, a commercial fundraiser shall be classified as a for-profit organization.

1 (b) If the collection box is owned by a nonprofit organization,  
2 the front of the collection box shall also conspicuously display a  
3 statement describing the charitable cause that will benefit from  
4 the donations.

5 152. The owner of a collection box shall obtain written consent  
6 from the owner or lessee of the property where the collection box  
7 is located, certifying that the owner of the collection box has  
8 received permission to place the box on the property. Upon request  
9 of the local jurisdiction or an interested person, this written consent  
10 shall be made available by the owner of the donation box.

11 153. Nothing in this chapter shall be construed to do either of  
12 the following:

13 (a) Supersede or in any way limit existing authority of the  
14 Department of Justice over fundraising for charitable purposes.

15 (b) Affect the authority of a city, county, or city and county to  
16 regulate, monitor, or prohibit collection boxes.

17 (c) “Covered organization” means an organization that is either  
18 of the following:

19 (1) A nonprofit organization that is all of the following:

20 (A) Incorporated in, or, if a foreign corporation, registered to  
21 do business in, California.

22 (B) Current in reporting to and registered with the Secretary of  
23 State.

24 (C) Registered with, and current in reporting to, the Attorney  
25 General’s Registry of Charitable Trusts.

26 (D) Exempt from taxation pursuant to Section 501(c)(3) or  
27 501(c)(4) of the Internal Revenue Code.

28 (2) A for-profit organization, including, but not limited to, a  
29 commercial fundraiser, that is both of the following:

30 (A) Incorporated in, or, if a foreign corporation, registered to  
31 do business in, California.

32 (B) Current in reporting to and registered with the Secretary of  
33 State.

34 (d) “Local jurisdiction” means a city, county, or city and county.

35 151. A collection box that is owned by a covered organization  
36 or person that is used for the solicitation and collection of donations  
37 of salvageable personal property in California shall clearly and  
38 conspicuously display on its exterior all of the following  
39 information:

1     ~~(a) The name, address, operational telephone number, and~~  
2     ~~Internet Web site address, if available, of the organization or person~~  
3     ~~that owns the collection box.~~

4     ~~(b) In at least two-inch type, a statement whether the collection~~  
5     ~~box is owned and operated by a for-profit organization or a~~  
6     ~~nonprofit organization.~~

7     ~~(c) If the collection box is owned by a commercial fundraiser,~~  
8     ~~the fundraiser shall display, in at least two-inch type, a statement~~  
9     ~~that the collection box is owned and operated by a for-profit~~  
10    ~~organization but that the proceeds will benefit a charitable cause.~~

11    ~~(d) If the collection box is owned by a nonprofit organization~~  
12    ~~or a commercial fundraiser, the organization shall provide all of~~  
13    ~~the following:~~

14    ~~(1) The covered organization's charitable trust number issued~~  
15    ~~by the Attorney General's Registry of Charitable Trusts.~~

16    ~~(2) The covered organization's business license number.~~

17    ~~(3) A statement describing what charitable cause will benefit~~  
18    ~~from the donations.~~

19    ~~(4) A statement describing the previous year's charitable~~  
20    ~~activity, including the percentage of the organization's total~~  
21    ~~donation proceeds that was used for the charitable cause.~~

22    ~~(e) If the collection box is owned by a for-profit organization,~~  
23    ~~the organization shall provide the following information:~~

24    ~~(1) The covered organization's California business license~~  
25    ~~number.~~

26    ~~(2) A statement informing the donor that the donation is not tax~~  
27    ~~deductible.~~

28    ~~152. (a) A local jurisdiction may prohibit a person or an~~  
29    ~~eligible organization from placing, using, or employing a collection~~  
30    ~~box for solicitation purposes if the collection box does not adhere~~  
31    ~~to the disclosure requirements included in this chapter.~~

32    ~~(b) Nothing in this chapter shall be deemed to limit a local~~  
33    ~~jurisdiction from adopting ordinances or regulations regarding~~  
34    ~~collection boxes that are more stringent than the provisions of this~~  
35    ~~chapter.~~

36    ~~(c) Nothing in this chapter shall be deemed to supersede or in~~  
37    ~~any way limit the Department of Justice's existing authority over~~  
38    ~~fundraising for charitable purposes.~~